



State of Utah

Department of Natural Resources

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas & Mining

JOHN R. BAZA
Division Director

JON M. HUNTSMAN, JR.
Governor

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Lieutenant Governor

November 14, 2005

CERTIFIED MAIL
7003 2260 0002 0247 9857

John Bleazard
Bleazard Farms
P.O. box 933
Grantsville, Utah 84029

Subject: Findings of Fact, Conclusions, Order and Finalized Assessment for
MC-05-01-08(1), S/045/066, Bleazard Farms, Island Rock, Tooele County, Utah

Dear Mr. Bleazard:

On October 13, 2005, an Informal Conference was held to review the fact of violation and proposed assessment for state violation MC- 05-01-08 (1), Bleazard Farms. As a result of a review of all pertinent data and facts, including those presented in the Informal Hearing and Assessment Conference, the attached document shall constitute the findings of fact, conclusions, order, and finalized assessment.

Within fifteen (15) days of your receipt of this letter, you or your agent may make a written appeal to the Board of Oil, Gas and Mining. To do so, you must escrow the assessed civil penalties with the Division within thirty (30) days of receipt of this letter, but in all cases prior to the Board Hearing. Failure to comply with this requirement will result in a waiver of your right of further recourse.

If no timely appeal is made, this assessed civil penalty must be tendered within thirty (30) days of your receipt of this letter. Please remit payment to the Division of Oil, Gas and Mining, mail c/o Vickie Southwick at the address listed below.

Sincerely,

Mary Ann Wright
Associate Director, Mining
Assessment Conference Officer

vs

Enclosures

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BEFORE THE DIVISION OF OIL, GAS AND MINING
MINERALS REGULATORY PROGRAM
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

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IN THE MATTER OF THE Island	:	INFORMAL CONFERENCE
Rock 1 Mine, Tooele COUNTY,		For MC-05-01-08 (1)
UTAH	:	
		FINDINGS, CONCLUSIONS
		AND ORDER
	:	CAUSE NO. S/045/066

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On October 13, 2005, the Division of Oil, Gas and Mining ("Division") held an informal conference concerning the Fact of Violation and the Assessment for Cessation Order, MC-05-01-08 (1) issued to the Island Rock Mine, Tooele County, Utah. The following individuals attended: Craig Smith, John Bleazard and Brent Bohman for Island Rock mine; and Lynn Kunzler and Daron Haddock for the Division.

Presiding:	Mary Ann Wright Associate Director, Mining Division of Oil, Gas and Mining
Petitioner:	John Bleazard Bleazard Farms P.O. Box 933 Grantsville, UT 84029

The Findings, Conclusions, and Order in this matter are based on information provided by the Petitioner and the Division in connection with this informal conference, and on information in the files of the Division.

FACTS PRESENTED: Fact of the Violation

1. Notice of the informal conference was properly given.
2. By letter dated, August 29, 2005 Mr. John Bleazard requested an informal conference to discuss the fact of violation and the assessment for Minerals Program Cessation Order MC-05-01-08 (1).

3. Pursuant to Utah Code Ann. Section 40-8- 9 and Utah Administrative Rule R647-6-102, an informal conference in the matter was held on October 13, 2005. At the informal conference, the following information was presented to the Conference Office by the petitioner:
4. Mr. Bleazard is a rancher in the Stansbury Island area and picks up rocks from his property and sells them. Craig Smith, contract miner for Mr. Bleazard, stated that he does not drill, blast, or use hammers. Mining is via excavators and trackhoes to pick up rock to sell as landscape rock.
5. Mr. Bleazard, Mr. Smith and Mr. Bohman collectively stated that the mine operation should be exempt from regulation under the Utah Mined Land Reclamation Act because: a) this work is no different than clearing the land for ranching; b) the deposit is alluvial; c) an exemption should be given when one owns the mineral and surface rights. It was also stated a) that the operation mostly takes big rocks but occasionally mines gravel and sells it to the brine shrimpers to build roads and docks, and b) they are currently operating, having filled out a small mine notice.
6. A check for a bond was posted during the conference in the amount of \$2,500.
7. Photographs #1, 2, and 3 were entered into this part of the conference by Mr. Bleazard: Photo #1. shows clays and layers of gravel; #2 shows a rocky area with cheatgrass with the point that the area is predominantly gravel under rock; #3. shows the site that was mined for rocks.
8. Lynn Kunzler and Daron Haddock of the Division collectively stated that they did not believe the site is an alluvial sand and gravel deposit.

AFTER THE HEARING

The Conference Officer made a request to the Utah Geological Survey to provide geological information concerning the area of mining. This report is provided in the record and as part of this Finding and Conclusion. The report shows that although there are areas of alluvium mapped for a part of this area, the large rocks existing on the surface are Precambrium quartzite of the Big Cottonwood series.

CONCLUSIONS

- Mining of landscape rock is taking place. These areas of mining fall under the purview of the Mined Land Reclamation Act as Mining activities. The Fact of the Violation stands.

ORDER

NOW THEREFORE, it is ordered that:

- The division must complete the review and acceptance process for the SMO application.
- Termination of the cessation order should be completed by the division, effective October 13, 2005.
- The Petitioner, Mr. Bleazard, must do everything required to complete the mine permit application and reclamation bonding processes in an expedient manner.

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FACTS PRESENTED: Assessment of the Violation

1. Notice of the informal conference was properly given.
2. By letter dated, August 29, 2005 Mr. John Bleazard requested an informal conference to discuss the fact of violation and the assessment for Minerals Program Cessation Order MC-05-01-08 (1).
3. Pursuant to Utah Code Ann. Section 40-8-9 and Utah Administrative Rule R647-6-102, an informal conference in the matter was held on October 13, 2005. At the informal conference, the following information was presented to the Conference Office by the petitioner:
4. The petitioner stated that lack of environmental harm and damage should figure into calculating points; that "-25 points" should be assessed for range improvement for good faith; for degree of fault points consider that Bleazard farms is not a mining company; the Cessation order was issued Friday morning and an NOI was filed with OGM on Monday morning which requested a variance from bonding requirements; they are performing reclamation after rock removal since "there is none to do"; the post mining land use is the same as pre-mining; and reclamation costs calculated by OGM are too high as shown by

seeding costs obtained from Deseret Peak Supply. Photo #4 was shown of an area mine 2 years ago where rock had been harvested. The photo was said to show that the points assigned for "damage assessment" are too high. Mr. Bleazard also stated that the range for the cattle is winter and spring, the cows being placed on the area Nov. 1 each year. The cows calve in January, feeding off of green cheat grass. Two years prior, he had tried a seeding of intermediate wheat grass. There are small successes but mostly just the cheat grass will grow.

5. OGM presented the following information: the event of mining (without a permit) had "occurred"; the NOI was filed in an expedient manner; 0.13 acres of revegetation was cheat grass, which out-competes other grasses; a 'bonding package' was sent to Mr. Bleazard by OGM; Bonding for reclamation is not optional, it is required by state statute.
6. Mr. Bleazard wrote a check for the amount of \$2,500.00, made out to the division.

CONCLUSIONS

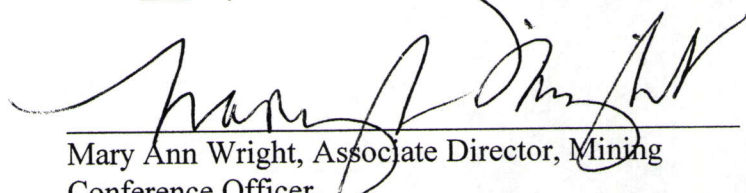
- Facts were presented which were taken into consideration of a reassessment of this cessation order. This was rapid compliance of a difficult abatement. In the final assessment, 20 good faith points were awarded.

ORDERS

NOW THEREFORE, it is ordered that:

- A fine of \$220.00 is assessed and payable 30 days from receipt of this re-assessment.

SO DETERMINED AND ORDERED this 14th day of November 2005


Mary Ann Wright, Associate Director, Mining
Conference Officer
Division of Oil, Gas and Mining
State of Utah

UTAH DIVISION OF OIL, GAS AND MINING
WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES

COMPANY: Bleazad Farms
PERMIT: M/045/066
VIOLATION: MC-05-01-08 (1)

ASSESSMENT CONFERENCE OFFICER: Lowell P. Braxton

	Proposed Assessment	Final Assessment
(1) History/Previous Violations	<u>0</u>	<u>0</u>
(2) Seriousness	<u>25</u>	<u>25</u>
(3) Negligence	<u>5</u>	<u>5</u>
(4) Good Faith	<u>0</u>	<u>-20</u>
Total Points	<u>30</u>	<u>10</u>

TOTAL ASSESSED FINE \$ 220.00

NARRATIVE: Mining was conducted without a permit.
Filing of an NOI with rapid compliance within one day. difficult abatement. Bond was posted during the conference, as soon as it was explained that bonding cannot be waived.

(Brief explanation for any changes made in assignment of points and any additional information that was available after the proposed assessment.)